

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

AMY GUTIERREZ,

*Plaintiff,*

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SA-20-CV-00883-DAE

vs.

HUNTER WARFIELD, INC.,

*Defendant.*

**ORDER**

Before the Court is Defendant's Motion to Compel Production [#10], which was referred to the undersigned. The Court held a telephonic hearing on the motion on January 26, 2021 at which the parties appeared through counsel. In its motion, Defendant requests that the Court compel Plaintiff to produce an unredacted version of her attorney fee agreement. At the hearing, Plaintiff voiced two objections to this request: 1) that the redacted information in the agreement was subject to attorney-client privilege, and 2) that the redacted information was irrelevant. Plaintiff has waived any relevance objection because the objection is untimely, as it was not raised in Plaintiff's response or amended response to Defendant's request for production, and it was not raised within thirty days of the request for production. *See Fed. R. Civ. Pr. 34(b)(2)(C); In re U.S.*, 864 F.2d 1153, 1156 (5th Cir. 1989) ("As a general rule, when a party fails to object timely to interrogatories, production requests, or other discovery efforts, objections thereto are waived."). Thus, the sole remaining issue is whether the redacted information in the fee agreement is privileged.

After considering the motion, Plaintiff's Response [#17], Defendant's Reply [#19], the joint advisory [#20], the relevant law, the arguments of counsel at the hearing, and the case file

as a whole, for the reasons stated on the record during the hearing, the Court now confirms its oral ruling with the following written Order:

**IT IS ORDERED** that Plaintiff submit to the Court her unredacted attorney fee agreement within three days of this Order. Plaintiff should not file the document on the docket; instead, she should submit the unredacted agreement to the following email address: TXWDml\_Chambers\_SA\_JudgeChestney@txwd.uscourts.gov. The Court will conduct an *in-camera* review of the fee agreement to determine whether it contains matters of attorney-client privilege, or whether the agreement, or portions of the agreement, should be produced.

**IT IS SO ORDERED.**

SIGNED this 26th day of January, 2021.



The image shows a handwritten signature in black ink, appearing to read "Elizabeth S. Chestney". Below the signature, there is a typed name and title: "ELIZABETH S. ("BETSY") CHESTNEY" on the first line and "UNITED STATES MAGISTRATE JUDGE" on the second line, separated by a thin horizontal line.